

Message

From: Amato, Paul [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=13B29B5DF12F425E833B66385FDA9969-PAMATO]
Sent: 8/20/2014 8:12:08 PM
To: Goldman, Elizabeth [Goldman.Elizabeth@epa.gov]
Subject: RE: San Luis Rey Mitigation Bank Final BEI: Notification of Intent to Approve (UNCLASSIFIED)

Land Veritas. WRA is the consultant.

Paul F. Amato
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-----Original Message-----

From: Goldman, Elizabeth
Sent: Wednesday, August 20, 2014 1:11 PM
To: Amato, Paul
Subject: RE: San Luis Rey Mitigation Bank Final BEI: Notification of Intent to Approve (UNCLASSIFIED)

Are they Wildlands, as well?

-----Original Message-----

From: Amato, Paul
Sent: Wednesday, August 20, 2014 12:57 PM
To: Goldman, Elizabeth
Subject: RE: San Luis Rey Mitigation Bank Final BEI: Notification of Intent to Approve (UNCLASSIFIED)

The Petersen Ranch and Soquel Canyon Banks are proposing tertiary service areas, so you know. Not yet approved but moving in that direction. Even so, I believe they have much smaller ones.

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-----Original Message-----

From: Goldman, Elizabeth
Sent: Wednesday, August 20, 2014 11:09 AM
To: Santulli, Shanti A. SPL
Cc: Amato, Paul
Subject: RE: San Luis Rey Mitigation Bank Final BEI: Notification of Intent to Approve (UNCLASSIFIED)

Hi Shanti

Thanks for the opportunity to review the SLR Mitigation Bank final BEI. EPA supports the proposed SLR mitigation bank. As we previously discussed, I would like to talk with you about the development of GSAs. This bank includes a tertiary GSA....I am uncertain whether the IRT should be approving such a large service area and I am concerned about setting precedence. That being said, I do appreciate the limitations place on such a GSA and recognize the benefit (e.g., providing mitigation for small impacts that could potentially go unmitigated).

I discussed the issue with Paul Amato yesterday and while we would not hold up approval of the bank, we agree it warrants more discussion. Do we defeat the primary purpose of a mitigation bank by selling credits to mitigate impacts so far away that it will not provide any meaningful mitigation in the watershed being impacted? In doing so, what happens when demand grows within the bank's primary GSA, but there are no credits available because they sold them via the tertiary GSA? Certainly, the banker makes his profit, but are we meeting the intent of mitigation banking as described in the 2008 Mitigation Rule?

It is possible the amount of credits sold through the tertiary GSA is minor, but are we certain? Will there be a cap? How do we weight this concern against the opportunity to provide mitigation in

situations where the impacts are small or temporary? Will this set a precedence and have we adequately weighed the risks v. benefits?

I am not aware of any approved banks with tertiary GSAs. It would be interesting to understand how they are being used before we commit to such an expansive GSA. Certainly, it will set precedence in SPD, at a minimum.

Thank you for your coordination on this mitigation bank. I look forward to talking with you.

Best,
Elizabeth

-----Original Message-----

From: Santulli, Shanti A. SPL [mailto:Shanti.A.Santulli@usace.army.mil]
Sent: Tuesday, August 05, 2014 5:25 PM
To: David Lawhead (David.Lawhead@wildlife.ca.gov); Janet_Stuckrath@fws.gov; Goldmann, Elizabeth; Anthony.Spina@noaa.gov; Alan.Monji@waterboards.ca.gov
Cc: Cindy Tambini; Mahala Guggino; Bradford, Therese O. SPL
Subject: San Luis Rey Mitigation Bank Final BEI: Notification of Intent to Approve (UNCLASSIFIED)
Importance: High

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon all,

Per Mahala's email below, you should have received the final BEI via mail and now also have a link to the document electronically through wildlands. The Corps received the final BEI on August 1, 2014.

Per Corps regulations at 33 CFR 332.8(d)(8), this email serves as notification that the Corps intends to approve the San Luis Rey Mitigation Bank BEI.

If your agency objects to the approval of the proposed final BEI, please respond to this notification by letter within 15 days (i.e., by August 20, 2014) to begin the dispute resolution process per 33 CFR 332.8(e).

Thank you,
Shanti

AA

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Information on the Regulatory Program:
<http://www.spl.usace.army.mil/regulatory>

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Caveats: NONE